

UNITED STATES DISTRICT COURT

for *FILED*

NORTHERN DISTRICT OF CALIFORNIA

San Francisco *JUN 30 PM 2008*

RICHARD W. WICKING
CLERK U.S. DISTRICT COURT

Request for Modifying the Conditions or Term of Supervision

with Consent of the Offender

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Michael M. Lehman Docket No.: CR 07-00532-001 JCS

Name of Sentencing Judge: Joseph C. Spero
United States Magistrate Judge

Date of Original Sentence: January 25, 2008

Original Offense:

Count 1: Operating a Motor Vehicle With a Blood Alcohol Content Over 0.08%, 36 C.F.R. § 1004.23(a)(2), a Class B misdemeanor

Original Sentence: 3 years probation.

Special Conditions: Special assessment \$10; fine \$1,000; alcohol treatment; access to financial information; driving privileges restricted for 90 days except to drive to and from work and counseling program; complete First Offender DUI Program; and maintain proof of financial responsibility for three years.

Type of Supervision: Probation
Assistant U.S. Attorney: Wendy Thomas

Date Supervision Commenced: January 25, 2008
Defense Counsel: Warner Berry (Retained)

Petitioning the Court

To modify the conditions of supervision as follows:

The defendant shall abstain from using alcohol while participating in a formal alcohol testing program.

Michael M. Lehman
CR 07-00532-001 JCS

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Cause

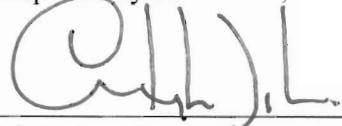
Michael Lehman is currently being supervised by the United States Probation Office in the Central District of California. As a condition of his probation, Mr. Lehman is required to submit to alcohol testing and treatment. However, it is the recommendation of the supervising United States Probation Officer that for that treatment to be effective, the offender must abstain from consuming any alcohol during the course of treatment. The current standard conditions allow for consumption of alcohol that is not excessive. Mr. Lehman has signed the Waiver of Hearing to Modify the Conditions of Probation and has agreed to discontinue any alcohol consumption during the course of treatment.

It is respectfully recommended that the Court modify the conditions of probation to include a special condition that while in alcohol treatment and testing, the offender refrain from the use of alcohol.

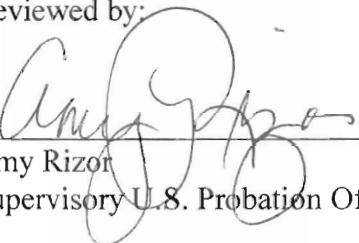
Assistant U.S. Attorney Derek Owens and Defense Counsel Warner Berry have been notified and there are no objections.

Address of offender: 4217 Del Mar Avenue
Carpenteria, CA 93013

Respectfully submitted,


Christopher Taylor
U.S. Probation Officer

Reviewed by:


Amy Rizor
Supervisory U.S. Probation Officer

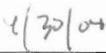
Date Signed: April 29, 2008

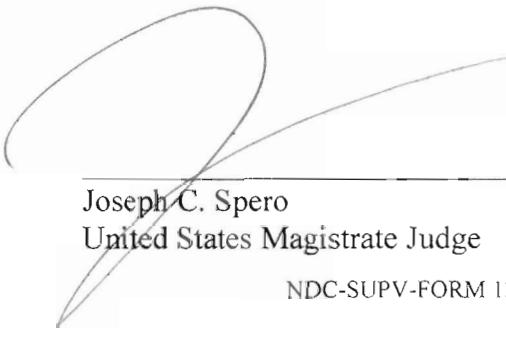
THE COURT ORDERS:

To modify the conditions of supervision as follows:

 As a special condition of supervision, the defendant shall abstain from using alcohol while participating in a formal alcohol testing program.

- Submit a request for warrant
- Submit a request for summons
- Other:


Date


Joseph C. Spero
United States Magistrate Judge

NDC-PROB 49 02/01/05

UNITED STATES DISTRICT COURT
for
NORTHERN DISTRICT OF CALIFORNIA

Defendant Name: Michael M. Lehman
Docket No.: 07 CR. 00532-01 JCS

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term Of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel", I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

I, Michael Lehman, as a special condition of supervision shall abstain from using alcohol while participating in the formal alcohol testing program.

continued on next page

I declare under penalty of perjury under the laws of the United States of America that the foregoing information is true and correct and that this declaration was executed on the date indicated at Santa Barbara/C

Signed: Michael Lehman
Probationer or Supervised Releasee

Date: 4/16/08

Witness: Mark Stein
Mark Stein
United States Probation Officer

Date: 4/16/08